

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS (BOSTON)

Case No.: 1:04-cr-10119-MEL

UNITED STATES of AMERICA,

v.

JAMES R. HART,
Defendant.

MOTION TO SEAL

NOW COMES Kevin L. Barron, CJA counsel to defendant, and moves for an order impounding certain *ex parte* motions for funds. Counsel moves on the grounds that said motions contain information referring to attorney work product, privileged communications or privileged medical information. The Criminal Justice Act and the law of this Circuit require that these motions be filed *ex parte*. See, 18 U.S.C. § 3006A(e)(1) and *United States v. Abreu*, 202 F.3d 386 (1 Cir. 2000)(availability of funds in aid of sentencing as well as for competency issues; vacating and remanding for District Court's refusal to hear a confidential motion *ex parte*.).

As L.R. 7.2(d) requires, counsel files this motion before filing any *ex parte* motions. Counsel believes there is good cause that the impoundment order should not be lifted. L.R. 7.2(a). To the extent any records are connected with *ex parte* motions, they shall be disclosed to the United States as required by discovery rules or before hearing in accordance with further order of the Court. In accordance with L.R. 7.2 (c), there should be no cut-off date for the order

sought in this motion; once the judgment of this action becomes final, material not specifically released from impoundment should be returned to counsel for storage and destruction. This request should not be construed as a blanket order of impoundment. L.R. 7.2(e). It is intended to and does apply only to anticipated *ex parte* motions for funds of the type ordinary sought for indigent persons proceeding under the CJA.

Dated this 18th day of January, 2007 at Boston, Massachusetts.

Respectfully submitted,
JAMES R. HART, by his Attorney,

/s./Kevin L. Barron

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CERTIFICATE

Counsel certifies that today, January 18, 2007, he has caused AUSA's Seth Berman & Adam Bookbinder, Esq., to be served with a true copy of this motion by filing the same through CM/ECF. No other party requires services by any other means.

/s./Kevin L. Barron

Kevin Lawrence Barron 550712